

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237.3 and 2012 Iowa Acts, Senate File 2188, the Department of Human Services amends Chapter 112, "Licensing and Regulation of Child Foster Care Facilities," Chapter 113, "Licensing and Regulation of Foster Family Homes," and Chapter 117, "Foster Parent Training," Iowa Administrative Code.

Pursuant to 2012 Iowa Acts, Senate File 2188, the amendments allow for issuance of a two-year foster home license, except that at the administrator's discretion an annual renewal period may be required. Annual renewal is still required for the first two years of licensure. The amendments will affect foster family homes by allowing licensure of some of those homes for two-year periods instead of one-year periods. These amendments will also be a benefit to foster families who will not have to reapply for licensure annually after they have initially completed their first two years of licensure. The two-year licensure may be a cost savings to the recruitment and retention provider who completes the licensing process.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0202C** on July 11, 2012.

The Department received one comment from the public asking why a training cycle for foster families continues to be in administrative rules. The Department responded in part that the training cycle was implemented because there were foster parents who did not complete beneficial training prior to annual renewal. No changes were made to the amendments based on the comment received.

However, after internal review, Department staff noted that an additional wording change was necessary in order to implement the biennial requirement for licensure renewal. That change is shown as a new Item 2, which amends subrule 113.13(4) by adding "or biennial" in the first sentence of the subrule. The subsequent items were renumbered accordingly.

The Council on Human Services adopted these amendments on September 12, 2012.

These amendments do not provide for waivers in specified situations because foster or adoptive parents may request a waiver under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237.3 and 2012 Iowa Acts, Senate File 2188.

These amendments will become effective December 1, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 112.4(6) as follows:

112.4(6) A foster family license shall be approved for a term of one year: for the first and second years of licensure. Thereafter, the license shall be approved for a term of two years unless it is determined by the administrator that a one-year license may be issued. A group facility license shall be approved for a term of one to three years according to the following criteria:

a. to c. No change.

ITEM 2. Amend subrule 113.13(4) as follows:

113.13(4) *License renewal.* Foster parents applying for an annual or biennial license renewal shall be subject to the same checks as new applicants, except for fingerprinting. The department shall evaluate only abuses and convictions of crimes that occurred since the last record check. The evaluation shall be conducted using the same process.

ITEM 3. Amend paragraph **117.7(3)"a"** as follows:

a. Training cycle. "Annually" means within the annual training cycle as described in this paragraph.

(1) No change.

(2) Renewal license. For a one-year license renewal, the annual training cycle shall be the 12-month period beginning 2 months before the expiration of the previous license and ending 2 months before the expiration of the subsequent license. ~~EXAMPLE: Subsequent~~ The training cycle for a license effective June 1 will be April 1 through March 31 of the subsequent year. For a two-year license renewal, the training cycle for the first year shall be the 12-month period beginning 2 months before the expiration of the previous license year and ending 10 months after the effective date of the two-year license. The annual training cycle for the second year of a two-year license shall be the 12-month period beginning 11 months after the effective date of the first year of the license and ending 2 months before the expiration of the license.

(3) ~~Transition period.~~ For foster parents whose licenses are renewed between October 1, 2009, and September 1, 2010, the transition to the new training cycle shall take place through a 10-month training cycle that begins at license renewal.

ITEM 4. Amend subrule 117.9(1) as follows:

117.9(1) *Training stipend.* Each family that is issued an initial or renewal foster family home license shall receive a \$100 stipend to be used for the family's annual in-service training. The department's recruitment and retention contractor shall issue one stipend per license on or after the date that the license is issued. When a family with a two-year foster family home license has completed the first training cycle of six hours of in-service training, the contractor shall issue the next training stipend no earlier than the start of the second year of licensure contingent upon the foster family's completion of the in-service training hours in the first cycle. Foster families who elect not to receive the \$100 stipend shall notify the department.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/3/12.